

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

V

NATHANIEL LEE HALL,

Defendant-Appellant.

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UNPUBLISHED

May 22, 2003

No. 239037

Oakland Circuit Court

LC No. 01-179294-FH

Before: Whitbeck, C.J., and White and Donofrio, JJ.

MEMORANDUM.

Defendant appeals as of right from a jury conviction of possession of less than twenty-five grams of cocaine, MCL 333.7403(2)(a)(v), for which he was sentenced as an habitual offender, second offense, MCL 769.10, to one year in jail. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

In reviewing the sufficiency of the evidence in a criminal case, this Court must review the record de novo and, viewing both direct and circumstantial evidence in a light most favorable to the prosecution, determine whether a rational trier of fact could find that the essential elements of the crime were proved beyond a reasonable doubt. *People v Hoffman*, 225 Mich App 103, 111; 570 NW2d 146 (1997); *People v Hammons*, 210 Mich App 554, 556; 534 NW2d 183 (1995). Circumstantial evidence and reasonable inferences drawn therefrom may be sufficient to prove the elements of the crime. *People v Gould*, 225 Mich App 79, 86; 570 NW2d 140 (1997). It is for the trier of fact to determine what inferences may be fairly drawn from the evidence and to determine the weight to be accorded those inferences. *People v Hardiman*, 466 Mich 417, 428; 646 NW2d 158 (2002). All conflicts in the evidence are to be resolved in favor of the prosecution. *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

“Possession is a term that ‘signifies dominion or right of control over the drug with knowledge of its presence and character.’ ” *People v Nunez*, 242 Mich App 610, 615; 619 NW2d 550 (2000), quoting *People v Maliskey*, 77 Mich App 444, 453; 258 NW2d 512 (1977). The defendant need not own or have actual physical possession of the substance to be found guilty of possession; constructive possession is sufficient. *People v Wolfe*, 440 Mich 508, 519-520; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992). Constructive possession, which may be sole or joint, is the right to exercise control over the drug coupled with knowledge of its presence. *Id.* at 520. Possession may be proved by circumstantial evidence and any reasonable inferences drawn therefrom. *Nunez, supra* at 615. The defendant’s mere presence at a place

“where drugs are found is insufficient to prove constructive possession. Instead, some additional connection between the defendant and the contraband must be shown.” *People v Echavarria*, 233 Mich App 356, 370; 592 NW2d 737 (1999).

Defendant and the codefendant were seen leaving a suspected drug house together. As soon as the police attempted to pull them over, defendant tried to flee, which permits an inference of consciousness of guilt. *People v Coleman*, 210 Mich App 1, 4; 532 NW2d 885 (1995). As defendant was fleeing, the codefendant dropped two separately packaged “eight balls” of cocaine out the car window. The codefendant told the police that he and defendant had each bought a piece of cocaine, something they had done several times before, and defendant had given him his piece to throw out the window. Such evidence was sufficient to establish the element of possession.

Affirmed.

/s/ William C. Whitbeck

/s/ Helene N. White

/s/ Pat M. Donofrio